

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**January 11, 2006**

DIVISION ONE

B177536      B.A.G. Investments, Inc., et al.                      (Not for Publication)  
                 v.  
                 Hi-Tech Roofing, Inc.

The judgment is affirmed. Hi-Tech is entitled to its costs on appeal.

Mallano, J.

We concur:    Spencer, P.J.  
                 Vogel (Miriam A.), J.

DIVISION TWO

B182553      Monterroso                                      (Certified for Publication)  
                 v.  
                 Moran

The order is reversed.

Upon remand, the trial court is directed to rule upon the merits of Monterroso's application for restraining orders against Moran. Monterroso shall recover her costs on appeal.

Ashmann-Gerst, J.

We concur:    Boren, P.J.  
                 Doi Todd, J.

B175004      Chernavsky  
                 v.  
                 Altman & Morris et al.

Filed order denying petition for rehearing.

DIVISION TWO (Continued)

B179823      Dupree, et al.                      (Not for Publication)  
                 v.  
                 Dickson

The judgment of the trial court is affirmed. The Duprees are entitled to attorney fees and costs on appeal.

Ashmann-Gerst, J.

We concur:    Boren, P.J.  
                 Doi Todd, J.

B178150      Mabrie, et al.                      (Not for Publication)  
                 v.  
                 Home Improvement King, et al.

The order of the trial court is reversed. Upon remand, the trial court shall enter a new and different order granting appellants' motions to compel arbitration, upon the conditions that the discovery limitation be disregarded and appellants bear the costs of arbitration. Appellants are entitled to costs on appeal.

Ashmann-Gerst, J.

We concur:    Boren, P.J.  
                 Doi Todd, J.

B181745      Los Angeles County, D.C.S.                      (Not for Publication)  
                 v.  
                 Jose C.

The juvenile court's findings and removal order are affirmed.

Ashmann-Gerst, J.

We concur:    Boren, P.J.  
                 Doi Todd, J.

DIVISION TWO (Continued)

B184557      Michael Lavin et al.      (Not for Publication)

v.

Superior Court, Los Angeles County  
(David Bohacik, r.p.i.)

This is a proper case for issuance of a peremptory writ in the first instance.  
(Code of Civ. Proc., § 1088; Palma, supra, 36 Cal.3d at pp. 177-178.)

Let a writ of mandate issue, directing the respondent court to vacate its  
preliminary injunction issued June 20, 2005. The stay previously issued is  
dissolved. The petitioners shall recover their costs.

Ashmann-Gerst, J.

We concur:    Boren, P.J.  
                    Doi Todd, J.

B175114      People      (Not for Publication)

v.

Martin

The judgment is affirmed.

Ashmann-Gerst, J.

We concur:    Boren, P.J.  
                    Doi Todd, J.

DIVISION THREE

B177552      Maria S., et al.      (Not for Publication)

v.

KMart Corporation, et al.

The judgment is affirmed. Plaintiff is to pay defendants' costs on appeal.

Croskey, Acting P.J.

We concur:    Kitching, J.  
                    Aldrich, J.

DIVISION THREE (Continued)

B181771      Carson Harbor Village, Ltd.                      (Not for Publication)  
                 v.  
                 City of Carson Mobilehome Park Rental Review Board

The judgment is affirmed. The Board is entitled to recover costs on appeal.

Croskey, Acting P.J.

We concur:    Kitching, J.  
                 Aldrich, J.

B184740      Los Angeles County, D.C.S.                      (Not for Publication)  
                 v.  
                 Laurie D.

The appeal is dismissed.

Croskey, Acting P.J.

We concur:    Kitching, J.  
                 Aldrich, J.

DIVISION FIVE

Court convened at 9:00 a.m.

Present: Turner, P.J., Armstrong, J., Kriegler, J. and J. Belcher, Deputy Clerk.

Each of the following:

B181538      People v. John Pokras  
B180315      People v. Jesse Delgado

Argument waived, cause submitted.

DIVISION FIVE (Continued)

B181088     People  
              v.  
              Dwight Krizman

Merits:  
Argued by James Koester for appellant and by Joseph Lee, Deputy  
Attorney General, for respondent. Cause submitted.

B181467     Nicole Gordon  
              v.  
              Phyllis Alexander

Merits:  
Argued by Kevin Moore for appellant and by Shelley Meacham for  
respondent. Cause submitted.

Court recessed at 9:35 a.m.

Court reconvened at 9:45 a.m.

Present: Turner, P.J., Armstrong, J., Kriegler, J. and J. Belcher, Deputy Clerk.

Each of the following:

B179401     People v. Josue Felix  
B180534     People v. Sergio Cortez

Argument waived, cause submitted.

B169805     Robert Gentry et al  
              v.  
              Superior Court, Los Angeles County  
              (Circuit City Stores, Inc., r.p.i.)

Merits:  
Argued by Ellen Lake for petitioners and by Rex Berry for real parties in  
interest. Cause submitted.

DIVISION FIVE (Continued)

B178759      10000 Millennium Plaza  
                 v.  
                 Commonwealth Land Title Insurance Co.

Merits:  
Argued by Brian Glennon for appellant. Respondent waived argument.  
Cause submitted.

B182411      Integrated Health Systems Inc. et al.  
                 v.  
                 Omnicare Medical Group, Inc. et al.

Merits:  
Argued by Joel Bennett for appellants and by Craig Steinberg for  
respondents. Cause submitted.

B184680      Feral Shamsian  
                 v.  
                 State of California, Department of Conservation et al

Merits:  
Argued by Arnold Regardie for appellant and by Jennifer Novak, Deputy  
Attorney General, and D. Barclay Edmundson for respondents. Cause  
submitted.

Court recessed at 10:55 a.m.

Court reconvened at 11:00 a.m.

Present: Armstrong, Acting P.J., Mosk, J., Kriegler, J. and J. Belcher and C. Adams,  
Deputy Clerks.

Each of the following:

B182811      S & S Investments v. Rabinowitz  
B181559      People v. Titus Warmesley

Argument waived, cause submitted.

DIVISION FIVE (Continued)

B179618      Sherry Corder et al  
                 v.  
                 Lisa Corder et al

Merits:

Argued by John Heubeck for appellants and by Ronald Harrington for respondents. Cause submitted.

Court recessed at 11:55 a.m.

Court reconvened at 1:00 p.m.

Present: Armstrong, Acting P.J., Mosk, J., Kriegler, J. and J. Belcher, Deputy Clerk.

B177326      Pacific Communication Group et al  
                 v.  
                 Paulina Rubio

Merits:

Argued by Gerard Fox for Plaintiff, appellant and cross-respondent and by Howard Fredman for Defendant, respondent and cross-appellant. Cause submitted.

B179324      Three JW Partnership  
                 v.  
                 Allen Weiss

Merits:

Argued by Jennifer Lutz for appellant and by David Grossman for respondent. In open court, counsel for appellant is directed to pay respondent counsel's expenses, in the amount of \$1,000, incurred during oral argument December 8, 2005. Cause submitted.

Court adjourned.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B183788      Cornelis D.  
                  v.  
                  Ronald D.

Merits:  
Argued by Richard C. Gilman for appellant and by John L. Dodd for  
respondents. Cause submitted.

B179275      Ramirez  
                  v.  
                  Nelson

Merits:  
Argued by Kevin Lancaster for appellants and by Jill Friedman for  
respondents. Cause submitted.

B177836      Daniels  
                  v.  
                  Hughes

Merits:  
Argued by Anne Catherine Cyr for appellant and by John F. Hodges for  
respondent. Cause submitted.

B178174      Cone  
                  v.  
                  Miles

Merits:  
Argued by Matthew Guasco for appellant and by Robert B. England for  
respondent. Cause submitted.



DIVISION SIX (Continued)

Yegan, J. left the bench.

B178264     Eranio  
                 v.  
                 Eranio

Merits:

Argued by Gina S. Berry for appellant and by Edwin Steward Clark for respondent. Cause submitted.

Court recessed at 11:20 A.M.

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

Each of the following:

B183754     Marriage of Swanson  
B183840     Dept. of Social Services v. Kathleen D.

Argument waived, cause submitted.

B182488     Department of Social Services  
                 v.  
                 Robert G.

Merits:

Argued by Lawrence E. Fluharty for appellant and by Patricia Stevens, Deputy County Counsel, for respondent. Cause submitted.

DIVISION SIX (Continued)

B181251 Benitez  
v.  
Rio School District

Merits:

Argued by Herb Fox for appellants and by Nicholas Thomas Calderon for respondent. Cause submitted.

Gilbert, P.J. left the bench.

B182298 Rigney  
v.  
Branch

Merits:

Perren, J. disclosed that he is familiar with plaintiff-respondent Rigney from a theater group years ago. Counsel waive any objection to Perren, J. participating in the case.

Argued by Carol A. Woo for appellants and by Alan M. Goldberg for respondents. Cause submitted.

Court adjourned.

DIVISION SEVEN

B183824 People (Not for Publication)  
v.  
Luis S.

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.  
Zelon, J.

## DIVISION SEVEN (Continued)

B183857 People (Not for Publication)  
v.  
Haboud

The judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.  
Johnson, J.

B183092      In re Manuel O.      (Not for Publication)  
 Los Angeles County, D.C.S.  
 v.  
 Manuel O.

The order is affirmed.

Woods, J.

We concur: Perluss, P.J.  
Zelon, J.

B176462      BV Film International AS      (Not for Publication)  
v.  
Summitt Entertainment NV

The motion to dismiss is granted as to the appeal of BV Film and denied as to BV Pictures and Veland. The judgment against BV Pictures and Veland is affirmed. Summit is entitled to its costs of appeal.

Woods, J.

We concur:   Johnson, Acting P.J.  
                      Zelon, J.

## DIVISION SEVEN (Continued)

B179311 People v. Wright (Not for Publication)

---

The judgment is affirmed.

Woods, J.

We concur:   Johnson, Acting P.J.  
                      Zelon, J.

B180707      Caffray  
v.  
City of Long Beach

Filed order denying petition for rehearing.

B165580      People  
v.  
Juarez

Filed order denying petition for rehearing.

## DIVISION EIGHT

B176369 People  
v.  
Mojica

Filed order vacating submission order of October 27, 2005. In order to give the court time to receive and review the exhibits. The matter will be deemed resubmitted on January 23, 2006.

## DIVISION EIGHT (Continued)

B177776 People (Not for Publication)  
v.  
Freeman,

The judgment is reversed and the matter is remanded to the trial court. If the trial court determines that it would have sentenced defendant to prison even if it had the discretion to reinstate probation, the judgment shall be reinstated. If, however, the trial court determines that it may have reinstated probation if it had the discretion to do so, defendant shall be allowed to withdraw his plea.

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.

B177634      David Ryngler  
v.  
Shoshana Ryngler

Filed order denying petition for rehearing.